

DETAILED ACTION

Status of the Claims

1. Claims 1, 9, and 18 have been amended and Claims 2-7, 10, 11, 13, 15-17, 19, and 21-27 have been cancelled by the Applicant in correspondence filed on 08/27/2008.

Claims 1, 8, 9, 12, 14, 18, and 20 are currently pending.

Election/Restrictions

2. Applicant's election without traverse of Group I, drawn to a compound of formula (I), and N²-[4-cyano-3-(trifluoromethyl)phenyl]-N²-(cyclopropylmethyl)glycinamide as a species of formula (I) in the reply filed on 08/27/2008 is acknowledged. Claims 1, 8, 9, 12, 14, and 18 read on the elected species. After a thorough search of the prior art, the Examiner found no art that anticipated or rendered obvious the elected species. The search was expanded to determine the novelty and obviousness of the genus claimed. The claimed genus found no art that anticipated or rendered obvious the claimed species.

Priority

3. Applicant's claim for the benefit of a prior-filed international application PCT/US05/07245 (filed on 03/03/2005) which claims the benefit of US provisional application 60/549,794 (filed on 03/03/2004) under 35 U.S.C. 119(e) or under 35 U.S.C. 120, 121, or 365(c) is acknowledged. The effective filing date of the instant application is 03/03/2004.

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EXAMINER'S AMENDMENT

4. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Ms. Kathryn L. Coulter on 11/04/2008.

The application has been amended as follows:

A. Claim 1, lines 14-16, the following have been **DELETED**:

"or R⁸ and R⁹ combine with the nitrogen atom to which they are attached to form an optionally substituted 4 to 8 membered ring that may contain additional heteroatoms and may contain one or more degrees of unsaturation"

B. Claim 1, line 22, the following has been **DELETED**:

"bebenzyloxy."

C. Claim 1, line 22, the following has been **INSERTED** at the end of the sentence:

--benzyloxy.--

5. The following is an examiner's statement of reasons for allowance: After a thorough search of the prior art, the Examiner found no art that anticipated or rendered obvious the genus of compounds claimed. The closest prior art was Blanc, et al. (International Application No. WO 05/000795), which claims priority to US provisional 60/477,252, filed on 06/10/2003. The difference between the instant application and

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Blanc, et al., lay in R^2 . The instant application limits R^2 to be an C_1 - C_8 alkylene-CN or possess either -C(O)-, -C(S)-, or -C(NR⁷)-. None of the compounds disclosed in Blanc, et al., disclose any of these limitations of R^2 . Moreover, none of the disclosed R^2 (named R^7 in Blanc, et al.) substituents of Blanc, et al., render the claimed invention obvious.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

6. Claims 1, 8, 9, 12, 14, 18, and 20 are allowed.
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Zarek whose telephone number is (571) 270-5754. The examiner can normally be reached on Monday-Thursday, 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sreenivasan Padmanabhan can be reached on (571) 272-0629. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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PEZ

/Rita J. Desai/
Primary Examiner, Art Unit 1625